



Employment tribunal fees for groups and multiples

From 29 July 2013

Important information

This leaflet sets out the fees where two or more people want to bring a claim together to the employment tribunals. It explains where to find more details about the help with fees scheme if you think you may qualify. (The help with fees scheme reduces or removes fees entirely for some people who are receiving certain benefits or whose income is below a certain level).

If you are bringing an appeal such as a training levy appeal or an appeal against a decision not to make a redundancy payment out of the National Insurance Fund, this leaflet still applies to you, and your appeal is called a 'claim' throughout.

You can see a full list of all tribunal fees on our website at <https://www.gov.uk/employment-tribunals/legislation>

If you are looking for information on the fees you will have to pay **if you are making a claim as an individual**, please see leaflet T435 'Employment tribunal fees for individuals' at <http://hmctsformfinder.justice.gov.uk>

If you are looking for information on help with fees please see leaflet EX160A How to apply for help with fees at <http://hmctsformfinder.justice.gov.uk>

If you are looking for information on the fees you will have to pay **in the Employment Appeal Tribunal**, please see leaflet T437 'Employment Appeal Tribunal fees' at <http://hmctsformfinder.justice.gov.uk>

If you are having trouble reading any of our leaflets online, please contact Employment Tribunal Public Enquiry Line, England and Wales 0300 123 1024 or Scotland 0141 354 8574 and we will send you a copy.

Employment tribunal fees

This leaflet tells you how to work out what fees you have to pay and explains how and when you will have to pay them.

You might not have to pay a tribunal fee because of your financial situation or if paying a fee would cause you hardship. The leaflet 'EX160 How to apply for help with fees' tells you more about the help with fees system and includes the help with fees application form. The EX160 and EX160A are available online at hmctsformfinder.justice.gov.uk or from any tribunal office.

In the employment tribunals it is common for more than one person to join together and start a claim on one form. In those circumstances there is a different fee structure and if you choose to share the fee between you, each person will pay a lower fee.

The decision whether to start an individual or group claim can affect the fee you pay. But you will not pay more than the single fee due for that type of claim, whether you are in an individual or a group claim.

The legislation that sets out what fees you pay if you bring your claim with other people defines your group as a 'fee group'. This is different to a 'multiple'. A multiple is a group of claims joined together for case management or a hearing. If a judge joins your fee group with other claimants to make a larger multiple, it does not affect the way we will ask you to pay fees in your fee group.

For more information about fee groups see the common questions at the end of this leaflet.

It is very important that you send the correct fee with your ET1 (the claim form).

If you have indicated that you are seeking help with fees by ticking the appropriate box on the ET1, the quickest way of having your claim dealt with is by sending the help with fees application (EX160) with your ET1. If you choose to send the help with fees application separately, you must send it within at least 7 days of the day you submitted your ET1 claim form. If the help with fees application is not received within 7 days, we will reject your claim and return your form to you. If this happens, any time limit which applies to your claim will still be running and you must resend your claim form, with the correct fee within the time limit.

If you resend your claim form outside the time limit, you will have the opportunity to explain to an employment judge why it is late and ask them to extend the time limit. There is no guarantee that the employment judge will agree to extend the time limit and they may refuse to hear your claim.

You can pay your fee and make your claim online at the following address.

www.employmenttribunals.service.gov.uk

The online system provides a quick, simple and convenient method to send us your claim. It means that you will not have to post a paper copy of your form with a cheque or postal order, and you will receive instant notification that we have received your claim and taken your payment. The online system will also tell you the right amount to pay.

If you send your claim by post it will take longer to reach us and longer for us to process.

Fees for groups

Step 1 – What type of claim am I making?

The fee you have to pay depends on the type of claim or appeal you are making and whether or not you qualify for help with fees.

Please click on the link to the help with fees guidance on the first page of this booklet for more information on the help with fees scheme.

Type A claims tend to be more straightforward for the tribunal to deal with, and so have lower fees. These include claims about:

- unpaid wages;
- payment in lieu of notice;
- redundancy payments; and
- your employer refusing you time off to go to antenatal classes.

Type B claims involve more complicated issues for the tribunal to decide, so the fee you pay will be higher. These types of claim tend to be those involving:

- unfair dismissal;
- discrimination complaints; or
- claims under the Public Information Disclosure Act (sometimes referred to as 'whistleblowing').

The online system provides drop-down lists for you to select your claim types. However, if you are making your claim by post, annex A provides a list of the more common types of claim made to the employment tribunal.

Step 2 – Does the claim contain more than one claim type?

Many claims contain more than one claim type but you would only pay one fee, either a type A fee or a type B fee.

The fee group must pay the fee for the highest level of claim included in their claim. This means that if between you, you are making type A **and** type B claims **or** type B claims only, your group will have to pay the type B fee. If your claim contains one or many type A claims, your group will have to pay the type A fee. Here are some examples.

- If your group's claim contains a mixture of complaints of unpaid wages (type A) and unfair dismissal (type B), the group will have to pay one fee at the type B rate.
- If your group's claim contains several type A claims, the group will only pay the type A fee.

Once you have selected all your claim types on the online system or have decided the highest claim type in your claim if you are making your claim by post, go to step 3.

Step 3 – How many people are included on the claim form?

The fee level depends on the type of claim (type A or B) and the number of people making the claim. This is called the 'fee group'. You must name everyone in your fee group on the same form. If you do not, we will charge a separate fee for each claim form.

Number of people named on the claim form	Type of claim	
	Type A only	Mixture of type A and type B, or type B claims only
Between 2 and 10	£320	£500
Between 11 and 200	£640	£1,000
201 or more	£960	£1,500

If you are using the online system and have selected all of your claim types from the drop-down lists and added the details of all of the people making the claim, the system will work out the correct fee for you.

Step 4 – When do I have to pay the issue fee?

You must pay the issue fee when you post your claim form to us or when you submit your claim form online.

You might not have to pay a tribunal fee because of your financial situation or if paying a fee would cause you hardship. The leaflet EX160A How to apply for help with fees, tells you about the help with fees system. The EX160A is available online at hmctsformfinder.justice.gov.uk or from any tribunal.

Step 5 – How do I pay the issue fee?

If you are submitting your claim online you can only pay by debit card or credit card at www.employmenttribunals.service.gov.uk. This is the quickest and easiest way to make your claim. If you send your claim to us by post you can pay by cheque or postal order.

You need to pay the issue fee in a single payment. You will not be able to make several card payments online, and if you send several cheques with your claim form by post, we might return them to you.

This could delay your claim, so before you make your claim as part of a fee group, it is essential to make sure that you can make one payment on behalf of the group.

If you are making a claim in England and Wales, post your claim with a cheque or postal order for the correct amount to:

Employment Tribunal Central Office
PO Box 10218
Leicester
LE1 8EG

or

DX 743093
Leicester 35

If you are making a claim in Scotland, please send your claim form and payment to:

Employment Tribunals Central Office Scotland
PO Box 27105
Glasgow
G2 9JR

or

DX 580003
Glasgow 17

You should make your cheque payable to **HM Courts & Tribunals Service**

Please don't send cash by post as we cannot guarantee it will arrive safely.

If you have difficulty paying in these ways please contact the Employment Tribunal Public Enquiry Line, England and Wales 0300 123 1024 or Scotland 0141 354 8574 for advice.

If you send your claim form by post but do not include the correct payment, we will reject your claim and return your form to you. If this happens, any time limit which applies to your claim will still apply. It is very important that if this happens you send the claim form back with the payment due immediately to reduce the risk that your claim will run out of time.

Step 6 – What fee will I have to pay at the hearing?

We will tell you what fee you must pay when we tell you your hearing date. The fee will be based on the number of people in the fee group and the type of claim. The fees are shown in the table below.

Number of people named on the claim form	Type of claim	
	Type A only	Mixture of type A and type B, or type B claims only
Between 2 and 10	£460	£1,900
Between 11 and 200	£920	£3,800
201 or more	£1,380	£5,700

You can either pay online with a debit card or credit card at www.employmenttribunals.service.gov.uk or you can send a cheque or postal order by post (please include the information we ask you to provide).

Step 7 – When do I have to pay the hearing fee?

We will tell you when you need to pay the fee. If you don't pay the fee when it is due, all the claims in your fee group might be dismissed so you must contact us if one or more of the fee group will not pay a fee or apply for help with fees.

Again, we will need you to pay any group fee due in a single payment. You will not be able to make more than one card payment online, and if you send several cheques by post we might return them to you. If you don't make your payment in the right way and on time, your hearing could be delayed or dismissed.

You might not have to pay a tribunal fee because of your financial situation or if paying a fee would cause you hardship. The leaflet EX160A 'How to apply for help with fees' tells you more about the help with fees system. The EX160A is available online at hmctsformfinder.justice.gov.uk or from any tribunal office.

Section 2 – Other fees

Extra fees you may have to pay

If you want to apply for an employment judge to reconsider a decision that was made following a final hearing, you will have to pay a fee.

For type A claims the extra fee is £100.

For type B claims the extra fee is £350.

After we receive your application we will tell you what you need to pay. If you do not pay the fee, we will not consider your application.

These fees stay the same no matter how many people are in your fee group. It doesn't matter whether a claim relates to one or 100 people, there is only one fee for each application.

Extra fees the respondent may have to pay

In some circumstances we may ask respondents to pay certain fees. The respondent is the person or organisation you originally brought your claim against. Here are some examples of the extra fees we may ask respondents to pay.

Employer's contract claim	£160
Application to set aside a default judgement	£100
Application to dismiss following settlement	£60
Application to reconsider a decision following a final hearing	£100 for type A
	£350 for type B
Fee for judicial mediation	£600

If you and the respondent agree to judicial mediation, the respondent will have to pay the fee before the mediation begins. We will tell them when to pay. (Judicial mediation is where an employment judge talks to all the people involved and tries to help them reach an agreement).

For all other fees, the person who makes the claim should pay the fees. You do not need to pay the fees when you send us your application. When we receive your application we will tell you what you need to pay. If you do not pay the fee, we will not consider your application.

Section 3 – Common questions

What if I pay the wrong fee?

If we realise that you have paid a type B fee but you have only made a type A claim, we will refund you the difference.

If you have only paid a type A fee but have made a type B claim, we will write to you and ask you to pay the difference. If you do not pay the extra fee in the time we tell you, we may reject your claim.

If you do not make the extra payment and we reject your claim, you will be expected to resend the claim form within the original time limit.

If you resend your claim form outside the time limit, you will have the opportunity to explain to an employment judge why it is late and ask them to extend the time limit. There is no guarantee that the employment judge will extend the time and they may refuse to hear your claim.

Can I get my fees back?

The tribunal has the power to order the respondent to reimburse fees paid by you, in addition to any award it makes. The general position is that, if you are successful, the respondent will be ordered to reimburse you, but the tribunal has no power to order reimbursement of fees paid if you lose your case. You can ask the tribunal to make an order to reimburse fees when it is considering the award due to you, or at any stage up to 28 days after the date on which your judgment was sent to you. Ultimately it is for the tribunal to decide whether it is appropriate that the respondent should reimburse you some or all of the fees you have paid, if you are successful.

Will I be responsible for any fees paid by the respondent?

If the respondent pays any fees, they can ask for you to pay them if they are successful. It will be for the tribunal to decide whether it is appropriate for you to reimburse any fees paid by the respondent, and you will have the opportunity to argue why they ought not to."

What happens if I pay the hearing fee and then no longer need the hearing because I withdraw or settle my claim?

We will not refund any fees that you have paid if you reach a settlement agreement. If you want to settle with the respondent, you must decide the terms between you and the tribunal will not play a part. You should make sure that you discuss any fees paid as part of the agreement you reach.

What happens if I start my claim as an individual, but my claim is added to others for the hearing?

If you start your claim as an individual you will pay the single hearing fee. Any decision an employment judge makes on the best way to decide your claim does not affect the fee you must pay.

If I pay the issue fee can I apply for help with fees for the hearing?

Yes. Each time a fee is due you need to consider whether you can afford the fee or whether you should apply for help with fees, depending on your financial circumstances. If you qualified for help with fees for the issue fee but your circumstances have changed since you made the claim, you could have to pay the hearing fee.

Will I have to pay a hearing fee if my case is stayed (in Scotland, sisted)?

Sometimes an employment judge will choose a lead case out of a multiple to decide all the disputes. When this happens the rest of the claims in the multiple will be suspended until a decision is made. In England and Wales this is known as 'staying' your claim, or in Scotland this is known as 'sisting' your claim.

If your claim is stayed or sisted until the outcome of the lead case is known, you will not have to pay a hearing fee. But, if the judge chooses **your** claim as a lead case, you will be responsible for paying the hearing fee.

What happens if I do not pay the issue fee?

It is very important that you send your fee or application for help with fees with your claim form. If you do not, we will reject your claim and return your claim form to you.

If this happens, any time limit which applies to your claim will still apply and you will have to resend the claim form, with the correct fee, within that time limit.

If you resend your claim form outside the time limits you will have the opportunity to explain to an employment judge why it is late and ask them to extend the time limit. There is no guarantee that the judge will extend the time limit and they may refuse to hear your claim.

What happens if I do not pay the hearing fee?

If you don't pay the fee when it is due, all the claims in your fee group will be delayed and could be dismissed.

What happens if someone in my fee group doesn't pay the issue fee but I still want to?

If you are worried about your ability to pay as part of a fee group, or that others in the group might not pay, you may want to consider making an individual claim. It's up to you how you start a claim. Your claim may still be joined with others if it appropriate, but that is for the employment judge to decide and they may decide that your claim should be separate.

To understand what fees you must pay if you start your claim as an individual, please see our leaflet T435 '**Employment tribunal fees for individuals**' - <http://hmctsformfinder.justice.gov.uk>

What happens if someone in my fee group doesn't pay the hearing fee but I still want to?

If the hearing fees are not paid by the due date, your claim will be dismissed, so make sure you tell us of any problems. If the fee group has difficulties in making the payment together, individuals in the fee group will have the opportunity to leave their fee group and continue their claim as an individual **for the purposes of payment**.

Some of the claimants in my multiple want to apply for help with fees. What should I do?

This is possible but you must make sure that the number of applications for the reduction or removal of a fee will make a difference to the total fee due. This is explained in our guide EX160A.

Annex A – Common claim types

Claim	Type
Breach of contract	Type A
Redundancy pay	Type A
Unauthorised deductions (Formerly Wages Act)	Type A
Written pay statement	Type A
Written statement of reasons for dismissal	Type A
Written statement of terms and conditions	Type A
Transfer of an undertaking - failure to inform and consult (TUPE)	Type B
Detriment for enforcing national minimum wage	Type B
Discrimination on ground of Sex	Type B
Discrimination on grounds of Age	Type B
Discrimination on grounds of Disability	Type B
Discrimination on grounds of Race	Type B
Discrimination on grounds of Religion or Belief	Type B
Discrimination on grounds of Sexual Orientation	Type B
Part Time Workers Regulations	Type B
Redundancy – failure to inform and consult (Protective Award)	Type B
Suffer a detriment/unfair dismissal - pregnancy	Type B
Unfair dismissal	Type B

